IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21394 of 2004

Between:

M/s. Sri Anjaneya Enterprises, OUB. Road, Guntur rep by Proprietor

G. yoganandarao S/o Subba Rao
R/o 2-24-2, Anantavarappadu Post, Vatticherukuru Mandal, Guntur

district

..... PETITIONER

AND

1 The Joint Director of Agriculture, Guntur
2 The Commissioner and Director of Agriculture, Govt of A.P., at Fateh

Maidan, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more in the nature of Writ of Mandmaus, declaring the action of the2nd respondent in not disposing of the stay application filed along with the appeal on 20-11-2004 against the orders of the 1st respondent dt 17-11-2004 whereunder the licence of the petitioner was cancelled as being illegal, arbitrary and violative of Articles 14, 19 (1)(g), 21 and 300-A of the Constitution of India, and consequently stay the operation of the order dated 17-11-2004 of the 1st respondent pending the disposal of the appeal before the 2nd respondent.

Counsel for the Petitioner:MR.T.SRIKANTH REDDY

Counsel for the Respondents No.1 and 2: GP FOR Agriculture

The Court at the stage of admission made the following ORDER:

The petitioner was granted a licence under the provisions of the Insecticides Act, 1968 (for short 'the Act'). It was issued a show cause notice dated 12.10.2004 by the first respondent, wherein certain irregularities were pointed out and the petitioner was required to show cause as to why the licence should not be cancelled. In response to the same, the petitioner submitted its explanation on 18.10.2004. The first respondent passed an order dated 17.11.2004 cancelling the licence of the petitioner. The petitioner preferred an appeal before the second respondent under Section 15 of the Act together with an application for interim orders. Its grievance is that the application for interim orders has neither been rejected nor any orders are passed therein and in the meanwhile it is facing hardship.

Heard learned counsel for the petitioner and learned Government Pleader for Agriculture.

The limited grievance of the petitioner is as to the inaction on the part of the second respondent in disposing of the application for interim orders. The petitioner preferred a statutory appeal under Section 15 of the act, aggrieved by the order dated 17.11.2004. The second respondent is conferred with the powers to pass interim orders. It is in the discretion of the second respondent whether to stay the operation of the order passed by the first respondent or not. However, a decision in this regard has to be taken without much loss of time. Pendency of the application without any consideration, sometimes, would

defeat the very purpose of filing an appeal.

Hence, the writ petition is disposed of directing the second respondent to pass appropriate orders on the application filed by the petitioner for grant of interim orders along with an appeal preferred by it against the order dated 17.11.2004 passed by the first respondent. No order as to costs.

23.11.2004

Note:

Issue C.C. in three days.

(BO)

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To

1 The Joint Director of Agriculture, Guntur
2 The Commissioner and Director of Agriculture, Govt of A.P., at Fateh

Maidan, Hyderabad

3 Two CCs. to the Govt. Pleader for Agriculture, High Court of

A.P., Hyderabad(OUT)

4 Two CD copies.